

DETAILED ACTION

This action is in response to the amendment filed on June 22, 2009.

Allowable Subject Matter

Claims 3, 5-11, 13-21, and 23-24 are allowed.

Claim Rejections - 35 USC § 101

The rejection has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cromer (7,113,497) in view of "Web Connections Can Adjust Money Saver", hereinafter "The Sun."

Cromer discloses the invention substantially as claimed; however, Cromer does not disclose adjusting bandwidth to each user based on high rate or low rate of usage .

The Sun teaches allowing users to adjust the amount of bandwidth coming into their offices (p.1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate The Sun reference within Cromer for the motivation of allowing users to control the amount of bandwidth available to them to reduce costs.

Response to Arguments

Applicant's arguments with respect to claims 25-29 have been considered but are moot in view of the new ground(s) of rejection.

Cromer discloses the invention substantially as claimed; however, Cromer does not disclose adjusting bandwidth to each user based on high rate or low rate of usage . The Sun teaches allowing users to adjust the amount of bandwidth coming into their offices (p.1). The users are allowed to restrict bandwidth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate The Sun reference within Cromer for the motivation of allowing users to control the amount of bandwidth available to them to reduce costs.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lalita M Hamilton/
Primary Examiner, Art Unit 3691/